PATENT COOPERATION TREATY

PCT

TRANSLATION INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference SE-3557		FOR FURTHER A	ACTION	See Form PCT/IPEA/416	
International application No. Intern			International filing da	ate (day/month/year)	Priority date (day/month/year)
PCT/EP2004/010827		28.09.200		10.11.2003	
	International Patent Classification (IPC) or national classification and IPC F23J13/04 F23L11/02 F23J13/08				
	Applicant STEAG ENCOTEC GMBH				
1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.				
2.	This REPORT consis	sts of a total of	8	sheets, including	ng this cover sheet.
3.	This report is also ac	companied by A	NNEXES, comprising:	:	
	a. (sent to the	he applicant and	to the International Bi	ureau) a total of 3	sheets, as follows:
	shee shee	ets of the descrip	otion, claims and/or dra	awings which have been	amended and are the basis for this report and/or ule 70.16 and Section 607 of the Administrative
		disclosure in the		=	nsiders contain an amendment that goes beyond I in item 4 of Box No. I and the Supplemental
				6 1 America	
	b (sent to the	ne muernanonai .	<i>Бигеай опіу)</i> а ютаг от	(indicate type and number	er of electronic carrier(s))
	, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).				
4.			ng to the following iter	ms:	
	Box No. I	Basis of the	report		
	Box No. II	Priority	-		
	Box No. III	Non-establi	shment of opinion with	h regard to novelty, inven	tive step and industrial applicability
	Box No. IV	Lack of unit	ty of invention		
	Box No. V	Reasoned st			elty, inventive step or industrial applicability;
	Box No. VI	Certain doc	uments cited		
	Box No. VII	Certain defe	ects in the international	l application	
	Box No. VIII	I Certain obs	ervations on the interna	ational application	
Date of					
Date of submission of the demand				Bate of completion of the	ns report
Name and mailing address of the IPEA/EP				Authorized officer	
Faccinila No.				Talankana Na	

Box	No. I	Basis of the report		
1.		h regard to the language, this report is based on the internat cated under this item.	ional application in the language in	which it was filed, unless otherwise
		This report is based on translations from the original lang which is the language of a translation furnished for the pu		,
		international search (Rule 12.3 and 23.1(b))		
		publication of the international application (Rule 12	2.4)	
		international preliminary examination (Rule 55.2 ar	nd/or 55.3)	
2.	recei	h regard to the elements of the international application, the iving Office in response to an invitation under Article 14 report):		
		the international application as originally filed/furnished		
	\boxtimes	the description:		
		pages <u>3-8</u>		as originally filed/furnished
		pages* 1 , 2, 2a	received by this Authority on	16.07.2005 with letter of 16.07.2005
		pages*	received by this Authority on	
	\boxtimes	the claims:		
		nos. 1–19		as originally filed/furnished
		nos.*		
		nos.*		
		nos.*		
	\square		received by this redinority on	
		the drawings:		
		sheets <u>1/3-3/3</u>		as originally filed/furnished
		sheets*	received by this Authority on	
	$\overline{}$	sheets*	received by this Authority on	
	Ш	a sequence listing and/or any related table(s) - see Supple	emental Box Relating to Sequence I	isting.
3.		The amendments have resulted in the cancellation of:		
		the description, pages		
		the claims, nos.		
		the drawings, sheets/figs		
		the sequence listing (specify):		
		any table(s) related to sequence listing (specify):		
4.		This report has been established as if (some of) the ame they have been considered to go beyond the disclosure as		
		the description, pages		
		the claims, nos.		
		the drawings, sheets/figs		
		the sequence listing (specify):		
		any table(s) related to sequence listing (specify):		
*	If ite	em 4 applies, some or all of those sheets may be marked "su	uperseded."	

International application No.
PCT/EP2004/010827

Box			ticle 35(2) with regard to novelty, inventive step or industrial applicability; oporting such statement	
1.	Statement			
	Novelty (N)	Claims	1-9, 13-16, 18, 19	YES
		Claims	10-12, 17	NO
	Inventive step (IS)	Claims	1-9, 14-16	YES
		Claims	10-14, 17-19	NO
	Industrial applicability (IA)	Claims	1-19	YES
		Claims		_ NO

- 2. Citations and explanations (Rule 70.7)
 - 1 This report makes reference to the following documents:

D1: DE 34 01 922 A

D2: DE 23 46 515 B

D3: US 2002166587 A

D4: PAJ 61 -83822

D5: DE 967916 C

- 2 INDEPENDENT CLAIM 1
- 2.1 D1 discloses a method of controlling a chimney draft on a burning system connected upstream, in which method a flue that is open toward the bottom is provided with a flap in such a way that, in order to control a chimney draft on the burning system connected upstream, a portion of the crosssection of the flue is exposed as a result of movement of the flap.
- 2.2 The subject matter of independent claim 1 differs therefrom in that the flue is immersed in a tub in such a way that, by means of the liquid collected in the tub, a liquid barrier is formed which

INTE	ERNATIONAL PRELIMINARY REPORT ON PATENTABILITY	PCT/EP2004/010827
Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive citations and explanations supporting such statement	
	closes the flue on the flue gas end	, and in that,
	to control the draft on the system	connected
	upstream, a portion of the cross-se	ction is
	exposed by the liquid level being l	owered to under
	the edge of the flue.	
2.3	The subject matter of claim 1 is th	erefore novel
	(PCT Article 33(2)).	
2.4	The problem to be solved by the pre	sent invention
	can therefore be regarded as that o	of providing
	quicker and simpler dynamic opening	and sealing of
	the air passage cross-section in or	der to control
	a draft.	
2.5	Although it is already known from D	2 to immerse
	the lower end of a flue, which expa	nds in length
	as a result of thermal conditions,	in a tub filled
	with a liquid in order to seal the	flue, D2 does
	not contain anything that would sug	gest that this
	system be used or can be used to cr	eate an air
	inlet cross-section by lowering the	liquid level.
2.6	The subject matter of claim 1 is th	erefore
	inventive (PCT Article 33(3)).	
3.	DEPENDENT CLAIMS 2 TO 9	
	Claims 2 to 9 are dependent on clai	m 1 and
	therefore also meet the PCT require	ments for
	novelty and inventive step.	

INDEPENDENT CLAIM 10

citations and explanations supporting such statement

Box No. V

4.1 D2 (the references in parentheses are to D2) describes that a flue (7) that is open at the bottom can be immersed in a tub and that, by means

of a liquid (15) collected in the tub, a liquid barrier is formed which seals the flue from the

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;

environment at the flue gas end.

flue gas-purifying system.

4.2 Furthermore, it is possible, for example, owing to the fact that the tub and the flue can be displaced telescopically relative to each other (see column 6, lines 2-8), to lower the liquid level to below the edge of the flue in order to expose a portion of the flue cross-section.

The liquid level can therefore be lowered to under the edge of the flue, and thus a portion of the flue cross-section can be exposed.

A system of this type is also suitable for reducing the effect of a flue draft on an upstream

- 4.3 The present application therefore fails to meet the requirements of PCT Article 33(2) because the subject matter of claim 10 is not novel within the meaning of PCT Article 33(2).
- DEPENDENT CLAIMS 11 TO 13 AND 17 TO 19
 Claims 11 to 13 and 17 to 19 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step:
 - for claims 11, 12, 17 see D2, figure 3,

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	- for claim 13, see D3, figure 6 and paragraph 58,
	- for claim 18, see D4, abstract and figures 1, 2
	- for claim 19, see D5, figure 1 and page 2, lines
	73-84
6	DEPENDENT CLAIMS 14 TO 16
	The combination of features in claims 14 to 16 are
	neither known nor obvious from the available prior
	art.

Box No. VII	Certain defects in the international application			
The following def	The following defects in the form or contents of the international application have been noted:			
7.	The word "wir" on page 4, line 25 of the German			
	text should read "wird".			

Box No. VIII	Certain observations on the international application
	servations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported b
the decembers of	no mode.

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:		
8.	A lack of clarity arises from the term	
	"(condensate)" in parentheses in claims 1 and 10.	
	This term is not regarded as a feature that limits	
	the scope of the claims.	